

# **EXHIBIT 5**

12/13/2024

Richard Kadrey, et al. v. Meta Platforms, Inc.  
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Arun Rao

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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RICHARD KADREY, et al., )  
                              )  
Individual and         )  
Representative        )  
Plaintiffs,            )  
                          )  
v.                      ) Case No. 3:23-cv-03417-VC  
                          )  
META PLATFORMS, INC., )  
                          )  
Defendant.            )  
                          )

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\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*

Videotaped Deposition of ARUN RAO  
San Francisco, California  
Friday, December 13, 2024

Reported Stenographically by  
Michael P. Hensley, RDR, CSR No. 14114

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1 Reporter.)

2 THE WITNESS: I'm sorry. How would I  
3 describe my role?

4 BY ATTORNEY HUTCHINSON:

5 Q. Are you sort of, like, a founding --  
6 founding member? One of many leading the charge?7 A. Yeah, I'd say there were -- the two or  
8 three people; so I was one of the two or three  
9 people that helped build out the organization and  
10 the group for it.11 Q. So when you're referring to "Llama  
12 models," what are you referring to there in your  
13 LinkedIn profile?14 A. I was primarily working on Llama 3 and  
15 then Llama 4.16 Q. And when you say "used in products like  
17 Meta AI," you're referring to Llama being used in  
18 products?

19 A. Yes.

20 Q. Okay. Meta -- what is Meta AI?

21 A. Meta AI is our chat service, similar to  
22 ChatGPT. Where users can talk to an LLM.

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1           Q.   Would you characterize it as a personal  
2   assistant platform?

3           A.   Some people characterize it that way.  
4   That's fair.

5           Q.   So you say "products like Meta AI."  
6                 What are the other products that Llama was  
7   incorporated into?

8           A.   There was a downstream AI studio product.  
9   There was the Meta Ray-Ban product. And as far as I  
10   know, there were dozens of tests across the company  
11   and many different products.

12          Q.   So dozens of other products you're not  
13   familiar with or you can't recall all of them?

14          A.   Yeah. There was a long list of teams  
15   testing it; so --

16          Q.   Okay. Was that testing part of your work  
17   in evaluations or someone else's work testing it?

18          A.   Most of that testing for the other teams  
19   went to our platform manager, who worked with all of  
20   that. I worked with a handful of the teams, but  
21   probably Meta AI the closest.

22          Q.   So you go on to write:

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1 today.

2 A. Yes.

3 Q. And "IRL" is "in real life"?

4 A. Yes.

5 Q. Then there's a chart with the first column  
6 that states "Meta AI can be a."7 "Meta AI" is referring to the assistant  
8 product called Meta AI?

9 A. That's correct.

10 Q. And when it says "Likely Use Cases For  
11 Llama 4," is that reference to Llama 4 because Llama  
12 is embedded in Meta AI?

13 A. That's right.

14 So for a future version of Meta AI.

15 Q. And you wrote that:

16 [As Read] Meta AI can be a comms  
17 manager.18 A. I did not write that, but, presumably, who  
19 created the table wrote that.20 Q. Is all the information in this table true  
21 and correct, to the best of your knowledge?

22 ATTORNEY MORTON: Object to form.

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1 to what was finally published.

2 Q. And where was the final model card  
3 published?

4 A. On the web.

5 Q. Did you have any role in deciding which  
6 parts of this model card were accepted and  
7 published?

8 A. I was one of the editors of both those  
9 documents, yes. I wasn't the primary author. I'd  
10 say probably Joe was the main author, and I edited  
11 portions of it.

12 Q. Do you see in the second page of the  
13 document, there's a page with a chart that starts  
14 "Output," then "Model Architecture" and then a chart  
15 with "Llama 3 Preview" in it?

16 A. Yes.

17 Q. Do you see that below that there's a  
18 section on "Intended Use"?

19 A. Yes.

20 Q. And it states:

21 [As Read] Intended use cases:

22 Llama 3 preview is intended for commercial

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1 use.

2 A. Yes.

3 Q. Was it your understanding that Llama 3 was  
4 intended for commercial use?

5 ATTORNEY MORTON: Object to form.

6 THE WITNESS: Yes.

7 BY ATTORNEY HUTCHINSON:

8 Q. Would you agree that all of the potential  
9 uses for Llama that we had looked at before with  
10 regard to the Meta AI product were all commercial  
11 uses?

12 ATTORNEY MORTON: Object to form.

13 THE WITNESS: Yes. To the extent that  
14 Meta AI is a commercial product, unlike Llama, which  
15 is both a research and a commercial product.

16 ///

17 (Exhibit 1005 was marked for  
18 identification.)

19 BY ATTORNEY HUTCHINSON:

20 Q. The court reporter has passed to you  
21 what's been marked as Plaintiffs' Exhibit 1005.  
22 It's a seven-page document with the title "Llama 3

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## CERTIFICATE OF SHORTHAND REPORTER

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3 I, Michael P. Hensley, Registered Diplomate  
4 Reporter for the State of California, CSR No. 14114,  
5 the officer before whom the foregoing deposition was  
6 taken, do hereby certify that the foregoing  
7 transcript is a true and correct record of the  
8 testimony given; that said testimony was taken by me  
9 stenographically and thereafter reduced to  
10 typewriting under my direction; that reading and  
11 signing was requested; and that I am neither counsel  
12 for, related to, nor employed by any of the parties  
13 to this case and have no interest, financial or  
14 otherwise, in its outcome.

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Michael P. Hensley, CSR, RDR

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